

Deficiency Progress Report – Update 3

Report Submitted: 1/7/09

**CUPA: San Francisco City and County Public Health
Department**

Evaluation Date: March 12 and 13, 2008

Evaluation Team:

Kareem Taylor, Cal/EPA
Asha Arora, DTSC
Sean Farrow, SWRCB
Francis Mateo, OSFM

Corrected Deficiencies: 1, 2, 3, 4, 6, 7, 8

Next Progress Report (Update 4) Due: April 10, 2009

[Please update the deficiencies below that remain outstanding.](#)

- 1. Deficiency:** The CUPA is not conducting CalARP inspections with a frequency that is consistent with its Inspection and Enforcement Plan. Specifically, the CUPA did not meet its scheduled CalARP inspection frequency of one inspection each year for fiscal years (FY) 06/07 and 04/05.

Preliminary Corrective Actions: By December 31, 2008, the CUPA will inspect all CalARP facilities annually.

On the CUPA's first status report, develop an action plan that details how the CUPA plans to inspect all CalARP facilities annually.

CUPA's 1st Update (7-14-08): Currently, all three of our CAL ARP facilities have been inspected within the previous 12 months.

Cal/EPA's 1st Response: The CUPA has inspected all of its CalARP facilities within the last 12 months. Cal/EPA considers this deficiency corrected.

- 2. Deficiency:** The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance inspections during the last three fiscal years.

Preliminary Corrective Actions: By December 31, 2008, and each subsequent year, the CUPA will inspect every UST within its jurisdiction at least once every year.

On the CUPA's first status report, develop an action plan that details how the CUPA plans to inspect all UST facilities annually.

CUPA's 1st Update (7-14-08): Currently, 13 of our 270 UST facilities are past due for their annual inspection. This represents less than 5%. Less than 2% of our UST facilities are past due for more than 3 months. Current staffing levels do not allow us to maintain the required inspection frequency for all facilities. Current budget constraints do not allow for the creation of any new positions. Effective 7/1/08, one full time inspector retired from the program, reducing staffing levels by approximately 10%. While we are taking steps to fill this position, the city's current budget process may not allow for immediate hire. In the mean time, we continue to prioritize facility inspections.

Cal/EPA's 1st Response: On the next progress report, update Cal/EPA on the CUPA's efforts in refilling the vacant staff position. Please refer to SWRCB's response.

- **SWRCB's Response:** The CUPA is making good progress towards correcting this deficiency. On the next deficiency progress report, please update us on the status of the facility inspections.

CUPA's 2nd Update (10-14-08): As of 9/30/08, there are 12 UST facilities past due of inspection. Of these 6 are past due for less than 30 days.

Cal/EPA's 2nd Response: Has the CUPA been able to backfill the vacant staff position? On the next progress report, update Cal/EPA on the CUPA's efforts to refill the vacant staff position. Please refer to SWRCB's response.

- **SWRCB's Response:** This deficiency appears to be on its way to being resolved. The rate of inspections appears to be in-line with the state mandated period. On the next progress report, please update us on the status of the facility inspections.

CUPA's 3rd Update (1-7-09): The position that was vacated on 7/1/08 was filled shortly thereafter. However, the new staff person has no CUPA experience and is currently being trained. Once his training is completed, he will take the UST inspector exam.

Effective 1/1/09, another senior inspector left the program. Although that position has been back-filled by a half time individual, that person is without CUPA experience as well. He is just beginning his training.

We expect the other half of that position to be filled next fiscal year (7/1/09).

As of 12/31/08, there are 13 UST facilities past due of inspection. (4.9% of facilities) Of these 5 are past due for less than 30 days.

Cal/EPA's 3rd Response: Cal/EPA and the SWRCB consider this deficiency corrected.

3. **Deficiency:** The CUPA is not meeting its inspection frequencies for the tiered permitting program element.

Preliminary Corrective Actions: By December 31, 2008, The CUPA will inspect at least one third of its tiered permitting facilities.

On the CUPA's first status report, develop an action plan that details how the CUPA plans to inspect all tiered permitting facilities once every three years.

CUPA's 1st Update (7-14-08): Currently, we have 10 Tiered Permitting facilities. Of those, five have had tiered permitting inspections within the past three years. Although all except one of the remaining five have been inspected within the past three years, only five indicate that the tiered permitting operation was inspected. Staff have been reminded to pay close attention to the tiered permitting status of facilities. All inspection priorities for these facilities have been increased to 1. We plan to inspect those past due within the next three months.

Cal/EPA's 1st Response: Please refer to DTSC's response.

- **DTSC's Response:** DTSC appreciates the CUPA's efforts to correct this deficiency. On the next progress report, please update Cal/EPA on the status of this deficiency, including the total number of tiered permitting facilities inspected.

CUPA's 2nd Update (10-14-08): All Tiered Permitting Facilities have been inspected within the past 3 years.

Cal/EPA's 2nd Response: Cal/EPA and DTSC consider this deficiency corrected.

4. **Deficiency:** The CUPA is not conducting Hazardous Waste Generator (HWG) inspections with a frequency that is consistent with its Inspection and Enforcement Plan. Specifically, the CUPA did not meet its scheduled HWG inspection frequency of one inspection every three years.

Preliminary Corrective Actions: By March 14, 2009, the CUPA will inspect at least one third of its HWG facilities.

On the CUPA's first status report, develop an action plan that details how the CUPA plans to inspect all HWG facilities once every three years.

CUPA's 1st Update (7-14-08): Current staffing levels do not allow us maintain the required inspection frequency for all facilities. Current budget constraints do not allow for the creation of any new positions. Effective 7/1/08, one full time inspector retired from the program, reducing staffing levels by approximately 10%. While we are taking steps to fill this position, the city's current budget process may not allow for immediate hire. In the mean time, we continue to prioritize facility inspections.

Cal/EPA's 1st Response: Please refer to DTSC's response.

- **DTSC's Response:** DTSC appreciates the CUPA's efforts to correct this deficiency. To verify status, please provide the number of inspections completed for the current fiscal year in the next progress report.

CUPA's 2nd Update (10-14-08): The current total number of hazardous waste generators within CCSF is 1078. An inspection frequency of once every three years means that the target number of inspections during any given 6 month period is 180. During the six month period from 4/1/08 through 9/30/08, staff performed 204 hazardous waste inspections.

Cal/EPA's 2nd Response: Please refer to DTSC's response.

- **DTSC's Response:** Cal/EPA and DTSC accepts the progress San Francisco CUPA is making towards correcting this deficiency. Cal/EPA and DTSC will continue to track the progress being made to correct this deficiency via the deficiency progress reports.

CUPA's 3rd Update (1-7-09): The current total number of hazardous waste generators within CCSF is 1076. An inspection frequency of once every three years means that the target number of inspections during any given year is 359. During calendar year 2008, staff conducted 417 HW Generator inspections.

Cal/EPA's 3rd Response: Cal/EPA and DTSC consider this deficiency corrected.

- 5. Deficiency:** The CUPA did not conduct the DTSC oversight inspection in a manner consistent with state statute or regulation for businesses subject to the HW large quantity generator (LQG) program.

Preliminary Corrective Actions: Effective immediately, the CUPA shall ensure that they are conducting inspections in a manner consistent with state statute or regulation for businesses subject to HW LQG program.

Next week, the CUPA inspector plans to visit the U.S. Mint and provide a final inspection report that includes the missing violations observed by DTSC staff.

By September 14, 2008, the CUPA staff will participate in LQG training offered by DTSC.

CUPA's 1st Update (7-14-08): We have formally requested that at his training be provided by DTSC. Our plan is for all inspection staff to attend this training as long as scheduling allows.

Cal/EPA's 1st Response: Please refer to DTSC's response.

- **DTSC's Response:** DTSC appreciates the CUPA's efforts to correct this deficiency. Along with the next status report or sooner, please email the final inspection report submitted to the U.S. Mint.

On August 13, 2008, DTSC will be providing LQG training to the CUPA staff.

CUPA's 2nd Update (10-14-08): All staff attended the DTSC training that was held on 8/13/08.

Cal/EPA's 2nd Response: Please refer to DTSC's response.

- **DTSC's Response:** Cal/EPA and DTSC consider this deficiency partly corrected. Along with the next status report or sooner, please email the final inspection report submitted to the U.S. Mint.

CUPA's 3rd Update (1-7-09): We are currently working with the facility and DTSC to resolve outstanding issues resulting from this inspection. We will be hosting a face to face meeting with all parties in the near future.

The NOV is attached.

Cal/EPA's 3rd Response: Please refer to DTSC's response.

- **DTSC's Response:** Cal/EPA and DTSC appreciates CUPAs efforts in working with the facility in correcting this deficiency. Cal/EPA and DTSC will continue to track the progress being made to correct this deficiency via the deficiency progress reports.

CUPA's 4th Update: [Enter Update Here](#)

6. **Deficiency:** The CUPA is not citing violations consistent with definitions of minor, Class II or Class I as provided in statute and regulation.

Preliminary Corrective Actions: The CUPA will refresh staff knowledge of the definitions of Class I, Class II and minor violations. A good tool for refresher training may include the Cal/EPA "Violation Classification Guidance Document for Unified Program Agencies" which can be found on the Cal/EPA website under Unified Programs-Technical Assistance.

By September 14, 2008, the CUPA staff will participate in violation determination training offered by DTSC.

CUPA's 1st Update (7-14-08): On 4/3/08, I formally asked DTSC (Maria Soria via email) to provide such training for my staff. At last week's CUPA forum meeting, when I questioned Asha about it, she responded that DTSC was not planning to provide training on this topic. I am following up with Maria Soria this week.

Cal/EPA's 1st Response: Please refer to DTSC's response.

- **DTSC's Response:** On August 13, 2008, DTSC will be providing violation classification training to the CUPA staff.

CUPA's 2nd Update (10-14-08): On 8/13/08, all staff attended DTSC training regarding violation classification. They are currently classifying violations accordingly. I have instituted a violation classification review period as a standing agenda item on staff meetings so as to assure that violations are being classified correctly and consistently.

Cal/EPA's 2nd Response: Please refer to DTSC's response.

- **DTSC's Response:** Cal/EPA and DTSC consider this deficiency corrected.

7. **Deficiency:** The CUPA did not demonstrate that its staff had been adequately trained in the tiered permitting program and in the identification of hazardous waste violations.

Preliminary Corrective Actions: By September 14, 2008, the CUPA shall train its staff in the tiered permitting program and in the identification and citation of hazardous waste violations.

CUPA's 1st Update (7-14-08): See #5 above. DTSC training in Tiered Permitting was also part of the original request. See #6 above.

Cal/EPA's 1st Response: Please refer to DTSC's response.

- **DTSC's Response:** On August 13, 2008, DTSC will be providing tiered permitting training to the CUPA staff.

CUPA's 2nd Update (10-14-08): All staff attended Tiered Permitting Training provided by DTSC on 8/13/08.

Cal/EPA's 2nd Response: Please refer to DTSC's response.

- **DTSC's Response:** Cal/EPA and DTSC consider this deficiency corrected.

8. **Deficiency:** The CUPA has not submitted LQG quarterly reports to DTSC since June 2006. A "RCRA LQG Inspection and Enforcement Data" letter that DTSC sent to all CUPAs requested that the CUPA submit LQG reports to DTSC on a quarterly basis.

Preliminary Corrective Actions: By August 1, 2008, the CUPA will submit the next LQG report to DTSC.

Submit LQG reports to DTSC on a quarterly basis.

CUPA's 1st Update (7-14-08): I am planning to do this, however, it is taking longer than expected to sort through the list of LQGs that DTSC provided to me. The list contained 1200 entries, most of which are not in my data base. By August 1, 2008, I will provide a report that reflects my current data.

Cal/EPA's 1st Response: Please refer to DTSC's response.

- **DTSC's Response:** DTSC appreciates the CUPA's efforts to correct this deficiency. By August 1, 2008, or sooner, please submit LQG reports to DTSC.

CUPA's 2nd Update (10-14-08): The latest LQG Report was submitted by 8/1/08 for the period ending 7/31/08. I am currently working on the LQG Report for the period 8/1/08 through 9/30/08.

Cal/EPA's 2nd Response: Please refer to DTSC's response.

- **DTSC's Response:** Although Cal/EPA and DTSC consider this deficiency corrected, DTSC would like future LQG data submitted by May 1, August 1, October 15, and February 1 of each year for each of the preceding quarters (Jan-Mar, Apr-Jun, Jul-Sep, and Oct-Dec, respectively).